

UNAPPROVED MINUTES
PLANNING COMMISSION

May 15, 2013

A regular meeting of the Planning Commission of the City of Salem, Virginia, was held in Council Chambers, City Hall, 114 North Broad Street, at 7:00 p.m., on May 15, 2013, there being present the following members of said Commission, to wit: Vicki G. Daulton, Jimmy W. Robertson, Bruce N. Thomasson, and Samuel R. Carter, III (Terrance D. Murphy – absent); with Vicki G. Daulton, Vice Chair, presiding; together with James E. Taliaferro, II, Assistant City Manager and Executive Secretary, ex officio member of said Commission; Kevin Boggess, City Manager; Melinda J. Payne, Director of Planning and Development; Charles E. Van Allman, Jr., City Engineer; Benjamin W. Tripp, Planner; Judy L. Hough, Planner; Mary Ellen Wines, Deputy Zoning Administrator/Secretary; and William C. Maxwell, Assistant City Attorney; and the following business was transacted:

ON MOTION MADE BY COMMISSION MEMBER THOMASSON, SECONDED BY COMMISSION MEMBER CARTER, AND DULY CARRIED, the minutes of the regular meeting and work session held on April 10, 2013, were approved as written – the roll call vote: all present - aye.

In re: Hold a public hearing to consider the request of Briar Oak Investments IV LP, property owner, and Kick The Can LLC, lessee, for the issuance of an “Use Not Provided For” Permit to allow a brewery/restaurant/retail sales business on the properties located at 739 & 751 Kesler Mill Road (Tax Map #34-1-1 and 29-1-2 . (Continued from the April 10, 2013, meeting.)

The Executive Secretary reported that this date and time had been set to hold a public hearing to consider the request of Briar Oak Investments IV LP, property owner, and Kick The Can LLC, lessee, for the issuance of an “Use Not Provided For” Permit to allow a brewery/restaurant/retail sales business on the properties located at 739 & 751 Kesler Mill Road (Tax Map #34-1-1 and 29-1-2) (Continued from the April 10, 2013, meeting.); and

WHEREAS, the Executive Secretary further reported that notice of such hearing had been published in the March 27 and April 3, 2013, issues of The Roanoke Times, and adjoining property owners were notified by letter mailed March 29, 2013; and

WHEREAS, staff noted the following: the subject property consists of two parcels of 1.81 and 1.28 acres, located on Kesler Mill Road adjacent to the Hanging Rock Battlefield Trail greenway and near the intersection with Garst Street; the property is currently zoned LM Light Manufacturing District; this request is for an Use Not Provided For Permit allowing the existing manufacturing business to also include restaurant and retail sales activities; the brewery portion of the business is a manufacturing use, and currently the retail and restaurant operations are of an incidental nature, some of which is permitted by state law; granting this use not provided for permit would allow those uses to represent a larger share of the businesses operations; the lessee plans to develop the property at 751 Kesler Mill Road to provide additional parking for the business; the following conditions were voluntarily proffered in a rezoning approved by the Salem City Council on February 12, 1979: (a) The topographical crest of the hill mass located on the westerly portion of the subject parcels which presently shields the view of property owners to the west will not be reduced in altitude; and (b) All reasonable efforts will be exerted to retain the trees which presently grow along the westerly boundary of the subject parcels to the end that the view of owners of property to the west will remain screened thereby; this condition is, however, subject to the provision that the owners of the property sought to be rezoned may clear brush and other unsightly vegetation from their property and may plant additional trees; **Update:** the petitioners voluntarily proffered the following conditions for the Use Not Provided For permit: (1) A brewery with a tasting room to include up to 5,000 square feet of indoor retail/restaurant space and up to 5,000 square feet of outdoor retail/restaurant space will be permitted; and (2) the retail/restaurant use shall be only accessory to the operation of the brewery; and

WHEREAS, Mike Snyder of 739 Kesler Mill Road, manager and part owner, representing Parkway Brewing Company and Kick The Can LLC appeared before the Commission in support of the "Use Not Provided For" Permit request; he noted that they are trying to move forward to be able to accommodate the business they are doing now, and in fact, they are doing better than they thought they would; they would like to expand the retail area, and this is the reason for the request; and

WHEREAS, Commission Member Thomasson asked if he could explain what he means by the retail space; Mr. Snyder noted that this past July 1st the state of Virginia passed a law to

allow breweries to sell on premise just like wineries have been able to do for quite some time; so now people can come to the tasting room, take a tour, and have a glass of beer or two; and they can purchase beer in growlers, six packs or cases to take with them; they also have food trucks that come so people can purchase food; they keep the hours somewhat limited and then they manufacture during the day; they do not want people in the facility while they are manufacturing so they are only open in the afternoons/evenings; and

WHEREAS, Commission Member Thomasson asked if the food is basically kept on the outside, and Mr. Snyder stated that this is correct; he further noted they are not serving food as a business and they do not want to serve food; and

WHEREAS, Vice Chair Daulton noted that the petitioners have voluntarily proffered conditions as a part of the request; she asked if he would discuss those conditions; Mr. Snyder noted that there was some concerns if they moved out of the building that someone could come in and open a restaurant, so they are proposing that the retail/restaurant use shall be only an accessory to the brewery operation; so there would have to be another brewery in order for there to be a restaurant; they are hoping this will accommodate any disagreements; Vice Chair Daulton noted that they are further proffering 5,000 square feet on the inside and 5,000 square feet on the outside for retail use; and

WHEREAS, Commission Member Robertson noted that he was glad to hear that the business is going so well; Mr. Snyder noted that they bottled 10,000 bottles just today, and they are spreading statewide; further, it says "Salem, Virginia" right on the bottle; Commission Member Robertson noted that was one of his questions – how far are they reaching out in their distribution; Mr. Snyder noted that they are as far north as Harrisonburg, south to Bristol, and west to Richmond; Commission Member Robertson asked how many they employ at the present time, and Mr. Snyder noted they have 5 employees; Commission Member Robertson asked if they were manufacturing every day, and Mr. Snyder noted they are about 50% capacity now, and if they expand fermenters, then they can add capacity; he can see the number of employees they hire, especially with the retail side, could potentially triple or quadruple; Commission Member Robertson noted the Commission was aware of plans submitted for a parking lot, and he asked when did he propose starting this project; Mr. Snyder noted that the proposed parking lot would provide approximately 60 parking spaces, and they

have currently been leasing parking from an adjacent business; further, they have been using a parking lot across the street for some parking; Mr. Robertson asked if the parking lot would be lighted, and Mr. Snyder noted that he did not think that was part of the plan; further, there are street lights adjacent; and

WHEREAS, Vice Chair Daulton noted that lighting is probably not an issue in the summer time, but would they reduce the hours in the winter time to accommodate for the lighting; Mr. Snyder noted that they opened in January and it did get dark, but it did not seem to be a problem; and

WHEREAS, Commission Member Robertson noted that he missed the last meeting, but in reading the minutes, he noted there were a lot of questions about the hours of operation; he asked if it would be safe to say it would be rare for them to be open after 8 pm; Mr. Snyder noted that it would be rare for them to be open past 8, but on occasion they might have a private party, such as a company function, and they sometimes do this from 8:30 to 10:30 pm or something like this; they do get some requests for this type of function; he noted that they do not have the work force to do it that often; and

WHEREAS, Commission Member Carter asked if he understood him to say they have someone who stays outside to monitor the parking lot when they are open to the public; Mr. Snyder noted if they anticipate a busy night, then he or someone is there to help with the parking; he stated that it has worked out well because the guests feel like they are being greeted, which they are in a sense; once they are able to stripe the adjacent lot, the confusion about where to park will be resolved; and

WHEREAS, Commission Member Thomasson noted one of the issues they heard was the management of those who may have had too much to drink and leaving the business; Mr. Snyder noted that there are laws against this, and the Commonwealth provides those laws; the servers are instructed to ask for identification and a lot of people bring a designated driver; and

WHEREAS, Vice Chair Daulton noted it was suggested at the last meeting that they might want to speak with some of the neighbors; she asked if they were able to do this; Mr. Snyder noted that he did speak with some of the neighbors since the last meeting, and in fact, some of the neighbors are here this evening; he further noted it has been a very community based environment they are trying to provide, and it has been a very positive thing; and

WHEREAS, Joe Kelliher of 24 Sawyer Drive appeared in support of the request; he noted that he wanted to speak with regards to clientele, etc.; he stated he had just finished umpiring a softball game and that was the reason he was dressed the way he was; along with officiating, he has also coached a lot of youth sports; when he has been to Parkway for one of their growler hours he sees youth coaches, parents with families on Saturdays, and a lot of people he sees in the stands at his games; many of the people who come to Parkway are parents in the community, and he has yet to see anyone not behaving themselves at the business; on the occasion or two that he has seen someone who looks like they might have had one extra that they shouldn't have, he has noticed a friend, Russ Danstrom, who is one of the investors, confirm with the patron that they are not driving off the premises just to make sure; further, he was there one night when he overheard Mike "Keno" say he needed to go back outside to check on the parking when it got crowded; from his observation, they are very conscience of what is going on and the product that they are producing; he thinks it is great that the City of Salem has welcomed a business like this as we all know craft breweries are flourishing across America, which is such a great thing for small business enterprises; and

WHEREAS, Jim Wallace of 808 Pendleton Drive appeared in support of Parkway; he noted he thinks the brewery is a great thing for Salem especially with them putting the Salem name out statewide; he has seen a lot of people from Bent Mountain and other areas outside of Salem who are coming here spending their tax dollars in the community; further, they are telling their friends and coming back again and again; he believes we should do everything we can to help the business grow and in turn help Salem grow and promote the Salem name hopefully up and down the east coast in due time; and

WHEREAS, Caroline Wallace of 808 Pendleton Drive noted that she just wanted to add that she has met people at the brewery who have stopped off of Interstate 81; they saw the business on the Internet and it is bringing people into the City; they are asking where to go eat, and they are wanting to make this a rest stop while they are traveling; also to emphasize that the growler hour is a hangout spot, it is not a bar and is not open until midnight; it is a place for people to come have a taste and then go home; it is not meant to be an all-night affair; and

WHEREAS, Betsy Hanson of 4403 Old Catawba Road, Salem, appeared before the Commission related to the request; she noted that she has a vested interest in the property

across the street, 730 Kesler Mill Road, which is residential; the residents there have no issue with the light manufacturing zoning; the concerns are with the tastings and how long it is going to be going on; it is kind of hard to shut the barn door after the horse is already out; she noted that right now they are closing at 8 pm, and they have people watching the parking if they think it is going to be crowded; well, what if they are wrong; 8 pm sounds like a good hour (to end); they go away and life is good; but the lessees have already stated that they are going to do private parties; she noted they have already had one party that aggravated some of the residents; further, is the zoning going to say that they cannot be open past 8 pm or will they have unlimited hours once we give them this variance; meaning that we may have assumed it was going to be somewhere that people came to taste and then went home, but now it is not; another question -- would the other people here this evening like to have them move next door to them, because she feels the residents would help them move next door to them and see how happy they are then; another concern she has is if the business wanted to be both light manufacturing and retail, then why did they pick this location – why didn't they pick somewhere this would work for them rather than this location where they are backing up to and across the street from residential; she further noted that light manufacturing is quiet and then they go home; people when they drink even if they are not the driver, have a tendency to get loud; she understands that we are bringing people in but do and we want to chase our residents out; and if we are planning to change this area into manufacturing and retail, then we need to tell the residents so that they can plan what they want to do with their homes; they do not have anything against the manufacturing of the beer, and they do not mind people picking it up and taking it home; they are concerned how much of the business is going to be retail and what kind of parameters are we actually going to have control over; and

WHEREAS, Gwenda Kellett of 1246 Red Lane, Salem, appeared and noted that they are frequent visitors to Parkway; I am obviously from Europe although I am now an American citizen; there are many, many bars or pubs on street corners in very highly populated areas in England; they like to walk to their pub in England, and they have found this sort of environment community oriented and that is environment is similar to Parkway; it is a place where you can sit and join a large table of people you may have never met before; there are very few places in this area where you can actually go and get this kind of community feeling;

she hates to put demographic statistics or typecast people, but it seems the clientele at Parkway is quite educated, sophisticated; they are connoisseurs of beer and for the most part there are a lot of educators they are lumped into here as well as management people; a lot of companies are bringing in their visitors to enjoy Salem's hospitality; and yes, they are walking out with growlers to take home; she has a history of small government in the UK; we need to bring people in off Interstate 81 to visit in Salem; we are losing a lot of small businesses that give Salem its character; this is exactly the sort of thing that will bring people who tour craft breweries into this area, spending their tax dollars from out of town here and we need this; the community needs this; Main Street shops need them to come shop with them and then go have a beer on a Saturday; further, she said they are all for the business and have been trying to get there at least once a week; they meet different people every time and they are not sitting with the same bar crowd that is found at Mac 'n Bobs; and these are diverse people who are visiting Salem; and

WHEREAS, Laura Gentile of 716 Kesler Mill Road appeared in opposition to the request; she noted that she lives right across the street from the brewery and Keno did actually come over to her house to talk with her; she noted that he is aware she is absolutely for the brewery business and the community feel for the Salem area; she and her husband and son could have picked anywhere to live, and they chose Salem; she shared with Keno that after an incident in which her house was struck by a non-drunk person that that her feelings of anybody being at the brewery, especially the way they park, would pose the chance that this could happen again; she does not think that her house could stand another car hitting it, and she knows that she could not take another car hitting it; a couple of things she wanted to share: first they checked Parkway's website and it said they are planning some events, which is fabulous, but some of those events include belly dancing, burlesque and a few other things; she is questioning once again why a brewery would have those types of events; she noted that she thought she mentioned this at last month's meeting and some people might have had too many tastings; she knows that this has been addressed and as it would only take one person, that can spoil everything just like the person who ran into her house; one of her neighbors and her husband had an encounter with a gentleman that had been at the brewery who was very intoxicated and using foul language; the neighbor and her husband are now considering

moving; Commission Member Thomasson asked what time of the day this happened, and Mrs. Gentile noted that this was between 6:30 and 7 pm; the reason she is here is that approximately one month ago the brewery must have had a band and the music was extremely loud because she could hear it in her home; she had to be at work the next day at 6 am and she wanted to go and ask them to stop the music, but her husband did not think it was very wise of her; she did take some pictures last week of the parking situation; she noted that the parking is going to cause a lot of issues with people using the greenway trail; she stated that they did have someone directing people where to park, but if anyone has ever been on Kesler Mill after 5 pm, then you will understand how terrible it is to even try to walk on the trail; she noted that she believes the trail is a historic landmark trail, and she thinks the integrity of the trail will also be compromised; further, they cannot prevent people from urinating outside, putting trash outside, etc.; her concern is for the welfare of the public and her community; she is not against the brewery, and she is not against people coming in to do the tasting or to fill up their jars; she is definitely for small business as she is a small business owner; but the fact is that the parking is causing a pileup already; in addition she believes that the brewery is kind of taking away from the essence of her neighborhood with the parking situation, noise, public drunkenness, foul language, etc.; when the value of her home changes because of what is across the street, she wants to be able to come back to the City and remind everyone what she had said about the business and the issues; and

WHEREAS, Commission Member Thomasson asked Mrs. Gentile if she was linking the existence of the brewery with the unfortunate incident of the car hitting her house, and Mrs. Gentile noted that she was not; Commission Member Thomasson noted that he wanted to make sure the record reflects this; and

WHEREAS, Lisa Reynolds of 679 Kesler Mill Road appeared before the Commission and noted that she did not have any intention of speaking this evening, but she is a neighbor and is approximately two doors down from the brewery; she understands Mrs. Gentile's concern with her house being hit, although her house has also been hit; she has been living here since 1995; she believes that Mrs. Gentile's house was hit by someone leaving the garage which was here prior to them moving in; they knew when they moved into this area that it was a semi-industrial area, i.e. Cook Siding, the mulch business and the Top Rail (which burned down

several years ago); so they were concerned about a “drinking” place per se; she noted that they have been to the brewery and she has heard a lot of jokes such as she lives two doors down from a brewery; she is within walking distance so she is not one of the drivers who have been mentioned; what she likes about the business being there is that she has learned more about the art and craft of creating beer; when you go into a bar or the grocery store to purchase beer, you do not think about that; this has made her think about this – the craft, the art, and the tasting; the other thing she likes about the brewery, when she was a young parent they did not have a place like this where she could take her children; it is not teaching them to drink – it is a community; it is like the things we used to see on TV, and it is like going to someone’s house; yes, they do serve alcoholic beverages but she has not seen anyone there intoxicated; not to say that it would not happen, but things happen such as people running off the road by accident; she noted that they had their driveway redone and a dump truck hit their house; what we have here is a group of people that are manufacturing something for Salem and not only that, they are educating the people; further, they are giving them a place where they can feel comfortable taking their children and meeting a diverse group of individuals; and it is not a pickup joint, there is not loud music, there are not fights, but it is family; and

WHEREAS, Carrie Cox of 227 Academy Street appeared stating she would like to express her support for the brewery; she is currently the Vice President of the Star City Brewers Guild, the only brewers guild in the Roanoke Valley; she noted that what the brewery is doing is a wonderful thing, and she feels what they have brought to Salem – it is about time; we definitely needed something like this, the environment is great, and she does take her children there – a 6 year old and a 9 year old; they sit with other people they meet and the children play with other kids they meet there, and they have a great time; just like everyone has said, this is about community; further, it is not a bar atmosphere, and you go in for a tasting; it is supporting craft beer and teaching people about craft beer; she further noted that last year a car took out her front fence and also every house in the block, and the person had been drinking at Mac ‘n Bob’s; incidents such as this do happen, and she does not live next door to Mac ‘n Bob’s; further, she would love a brewery next to her house, and this is the type of thing they travel to see breweries; and a lot of people do that, and this has put Salem in the path of people who travel specifically to go see breweries; it is a wonderful environment for families

with kids, etc.; it is not your typical hazy smoke bar environment; she feels that Salem really needs to support this because they are doing wonderful things for the city; further, she noted the Big Lick Beertopia competition coming up, a home brew competition, and the fact that the winning beer is going to be brewed by a Salem company; Parkway is very much a part of the community outside of just their tasting hours; this is very good for the city, and she hopes the Commission will see fit to support them and encourage them to grow; and

WHEREAS, Mike Conner, President of the Roanoke Jaycees and one of the chairs for the Big Lick Beertopia appeared before the commission stating that just as Carrie Cox said, they have partnered with Parkway to host the home brew competition, and they have been wonderful; he had the pleasure of stopping in the brewery multiple times to work out contracts and how they are going to run the festival, etc.; Mike “Keno” has been as accommodating as he could possibly be; he has enjoyed some of their beverages and he has noticed that it is a community event or center; people from all over such as Roanoke and Blacksburg, not just Salem, have converged on this local hip place, and it is making Salem well known; further, he noted he wanted to speak to a different aspect, one of the things the Commission may or may not know is that Sierra Nevada, the second largest craft brewery in the United States, was looking at the Roanoke Valley to come here and bring their east coast brewery; he happened to be in San Francisco at a festival and met some people from Sierra Nevada and was talking to them about why they did not choose Roanoke; they told him that they did not get a beer “vibe” from our community – they did not feel it was a beer scene here in the Valley; so where did they go, they chose Asheville, North Carolina, which has beer all over the place; they have more microbreweries than any other state on the east coast he believes; he noted that we need more places like Parkway that we can attract these businesses to and provide an opportunity to get these large companies who would come in and bring jobs to the region; he further noted that he has been a bartender and manager at restaurants in Roanoke and Charlottesville, and he has been trained how to spot intoxicated people who have overindulged; he honestly can say that every time he has been to Parkway that he has not seen anything like that happening; he cannot speak highly enough of the facility, and yes, there are always going to be concerns, but if we really want to make Salem known for

something, make it known for this cool hip place; and he encouraged the Commission to let Parkway continue with their zoning plans; and

WHEREAS, Phil Norman of 1871 North Road, Salem, appeared before the Commission in support of Parkway; he noted that Parkway Brewing is making not just craft beer locally, they are making world-class beer locally; he does not have a degree in beer, but he considers himself quite a connoisseur; bringing the beer home and sharing it with guests at his home, never fails to astound the drinkers; he noted that Salem should be taking pride in the beer they are producing; to speak to some of the other issues, he is also a performing musician, has played in several bands professionally, and still plays semi-professionally now; he has been lucky enough to share the stage at Parkway several times and they are very welcoming in terms of the audience there; with regards to the comment made about the belly dancers or burlesque, he thinks the intent of the website is that this is a place that is supportive of the arts and supportive of performers; in addition, this is not a bar, it is a tasting room, and the people who come to drink great beer are not there to get intoxicated; they are there to enjoy the taste of beer – it is much like tasting fine wine, you do not grab a \$50 bottle of wine to get wasted; and the variety and the types of beer that Parkway is making are world class; and

WHEREAS, Russ Danstrom of 2865 Gleneagles Road, one of the owners of Parkway, appeared noting that he was not here at the start of the meeting so he hopes is not repeating; he noted that if the Commission has not been over to the business, one of the most striking things about a bar is usually there is a lot of loud noise coming from the TVs, etc.; this is nothing like BW3s (Buffalo Wildwings), and it is a pretty far cry from that; what is really surprising is they do not have a television at all, and there are probably not many bars around anymore that do not have a television; Parkway is not a bar, they serve their product and their product only, and they are proud of the product they serve; the business is kid friendly, and his children come over to the brewery as well; he asked the Commission to think about it from this perspective; they are not trying to be a bar, and they are not trying to be open all night – this is not their gig; and

WHEREAS, Bill Modica of 1546 Creek Lane, which is just a few blocks up from the brewery, appeared noting that he has been to the brewery four times, a couple times by himself and a couple with friends; he stated that he has never seen anyone overindulging as

was said earlier; it is a tasting place and people go here to taste the beer, they do not go here to get drunk; it is always a positive atmosphere, very friendly, and there is no noise so to speak; in fact in the old days when the Top Rail was open he could hear the music and the noise from it, and it was approximately six blocks north of his house; you cannot hear anything from the Parkway brewery location; these guys are making a really good product, and he feels Salem should support them; and

WHEREAS, Amy Powell of 211 Taylor Avenue appeared in support of the request; she noted she wanted to add to a lot of the positive things said, and she noted that she is also on the board of the Pathfinders for Greenways; she feels one of the things we can do is to unite the synergy of the people who use Carvins Cove and downtown Salem and the greenways; we can use the greenways to connect downtown Salem and Carvins Cove to the brewery; she and her husband go every week to Wasena Tap Room in Roanoke and walk the greenways over in Roanoke; they take their two kids, ages 3 and 9, and it is a lot of fun; it is an added bonus to have the greenway adjacent to the brewery; and

WHEREAS, Vice Chair Daulton asked if everyone had spoken who wanted to, and she asked Mr. Snyder if he would like say anything in response to the comments; and

WHEREAS, Mr. Snyder noted he just wanted to thank the neighbors for their support; he added with regards to the comment about the belly dancing on the website, it was just a blanket comment regarding upcoming events as they do support the arts; further, they will not be having any burlesque shows;

ON AMENDED MOTION MADE BY COMMISSION MEMBER THOMASSON, AND DULY CARRIED, the Planning Commission of the City of Salem doth recommend to the Council of the City of Salem that the request of Briar Oak Investments IV LP, property owner, and Kick The Can LLC, lessee, for the issuance of an "Use Not Provided For" Permit to allow a brewery/restaurant/retail sales business on the properties located at 739 & 751 Kesler Mill Road (Tax Map #s 34-1-1 and 29-1-2) be approved with the following voluntarily proffered conditions: (1) A brewery with a tasting room to include up to 5,000 square feet of indoor retail/restaurant space and up to 5,000 square feet of outdoor retail/restaurant space will be permitted; and (2) the retail/restaurant use shall be only accessory to the operation of the brewery – the roll call vote: all present – aye.

In re: Hold a public hearing to consider the request of Frank G. Sr. and Mary Ann L. Monsour, property owners, for rezoning the property located at 129-131 Mill Lane (Tax Map #165-2-1.2) from BCD Business Commerce District to HBD Highway Business District

The Executive Secretary reported that this date and time had been set to hold a public hearing to consider the request of Frank G. Sr. and Mary Ann L. Monsour, property owners, for rezoning the property located at 129-131 Mill Lane (Tax Map #165-2-1.2) from BCD Business Commerce District to HBD Highway Business District; and

WHEREAS, the Executive Secretary further reported that notice of such hearing had been published in the May 1 and 8, 2013, issues of The Roanoke Times, and adjoining property owners were notified by letter mailed May 10, 2013; and

WHEREAS, staff noted the following: the subject property consists of one parcel of .61 acres, located on the east side of Mill Lane between the Roanoke River and the railroad crossing; the property is currently zoned BCD Business Commerce District; it is occupied by two vacant buildings; the property owners initially purchased the property for their residence; however, due to the zoning, they were not able to use it for residential purposes; recently, they had interest from Ziggy's Entertainment, but the deal fell through when it was determined the zoning did not accommodate this use; this request is to rezone the property to HBD Highway Business District to accommodate future uses found in that zoning category; and this property lies partially within the Roanoke River Floodway and other associated flood zones; and

WHEREAS, Frank G. Monsour Sr., property owner, appeared before the Commission in support of the rezoning request; he noted his proposal is to change the zoning from BCD Business Commerce District to HBD Highway Business District; he further noted that they had a contract to lease the property but when the use for the property was denied, the lessee backed out; he and his wife have owned the property for six years and for two years they have not been able to lease it; he noted they would appreciate the Commission's support of their rezoning request so they will be able to find a lessee; and

WHEREAS, Commission Member Carter asked if we would be setting any precedence in rezoning the property, and it was noted that it would not; and

WHEREAS, Commission Member Thomasson asked if he had any businesses that were currently talking to them about the property; Mr. Monsour noted that Ziggy's Entertainment, who they had a contract with for 5 years, backed out of the contract because of the rezoning, but if they can get the property rezoned, they would like to get in touch with them and see if they might still be interested in leasing the property; and

WHEREAS, it was noted that Mary Ann Monsour, property owner, was also in attendance; and

WHEREAS, no other person(s) appeared related to said request;

ON MOTION MADE BY COMMISSION MEMBER ROBERTSON, AND DULY CARRIED, the request of Frank G. Sr. and Mary Ann L. Monsour, property owners, for rezoning the property located at 129-131 Mill Lane (Tax Map #165-2-1.2) from BCD Business Commerce District to HBD Highway Business District be approved – the roll call vote: all present - aye.

There being no further business to come before the Commission, the same on motion adjourned at 7:48 p.m.

Executive Secretary

Vice Chair